



# You've Missed Your Traffic/Criminal Court Date in the General District Court !

## What Do You Do Now ? Don't Panic !!

### Find out What Happened to your Case



- Go to the Clerk's Office, or call 703-246-3305 (Criminal) or 703-246-3764 (Traffic), or access [www.courts.state.va.us](http://www.courts.state.va.us) to find out what happened to your case.
- Most likely, either you were **tried in your absence** or an **arrest warrant** was issued because you failed to appear in court.
- If you were **tried in your absence**, find out what the sentence was in your case. If the fine is within your expectations, then all you need to do is **pay the fine and costs within 30 calendar days** to avoid suspension of your license for non-payment.
- If an **arrest warrant** was authorized, see the other side of this form.
- If you were **tried in your absence**, continue reading below.

### Appeal is the only Sure Way to Get a New Trial

- If you feel the punishment was not fair or that you should have been found not guilty, you may want to obtain a **new trial**.
- The only **sure** way to do this is to **Note an Appeal to the Fairfax Circuit Court**.
- This must be done **in writing** to the General District Court within **10 calendar days of the date of conviction**.
- If more than 10 calendar days have passed, then your opportunity to appeal the conviction for a new trial has been lost.
- You must pay the fine and costs to prevent the suspension of your license (or to reinstate your license if it has already been suspended) for not paying your court fines.

### Motion to Rehear is not a new trial and does not stop or extend the Appeal Time Limit

- While you have a right to appeal the judge's decision within 10 calendar days of conviction, there is no right to have a rehearing on your charge.
- Granting such a motion is entirely in the **discretion of the judge**, and these motions are frequently denied.
- However, if you feel that the conviction or sentence was a mistake, you can file a **Motion to Rehear** within **60 calendar days of conviction**.
- Filing for a rehearing will not extend the time for appeal, which means **the right to appeal can be lost while waiting for the judge to hear your motion**.
- If the judge **grants** your motion, a new trial will be scheduled on a **later date**.
- If the judge **denies** your motion, the **conviction remains final**.
- Any fines and costs ordered must be paid within 30 calendar days of the original conviction date and will be refunded if the disposition later changes.



## If an Arrest Warrant is Authorized

If you have missed your court date and an arrest warrant has been authorized for your arrest because you did not appear, you will need to take some immediate steps to avoid making matters worse.

### Quickly File a Motion to Withdraw the Arrest Warrant and Notify your Bonding Company or Supervised Release Counselor (if applicable)

- If you already have an attorney, you should contact him or her for assistance in filing a **Motion to Withdraw the Bench Warrant or Failure to Appear Warrant.**
- Your attorney may also be able to help you avoid being returned to jail if you had previously been released on a surety bond or through the court's supervised release program.
- Not appearing for a scheduled court date is a breach of your contract with the bonding company or the supervised release program and is generally grounds for your being returned to jail.
- **If you do not have an attorney but are on bond**, you may now want to **consult an attorney for assistance.** If not, you should immediately contact your bonding company or supervised release counselor and explain why you missed court and that you will return to court as described in the next paragraph to ask to have the arrest warrant withdrawn.
- As soon as possible, file a **Motion to Withdraw the Bench Warrant or Failure to Appear Warrant** with the Criminal or Traffic Clerk's Office (whichever is applicable). **The success of such a motion depends on how quickly you move to correct the error that you have made.**
- The motion should be put on the court docket as soon as possible (next court day, if at all possible). At the time of the motion there may also be a discussion with the judge about your need for the assistance of an attorney. If you feel that you are unable to afford an attorney, a request can be made at that time to be interviewed to see if you qualify for court-appointed counsel.



**Take Immediate Action!! Failure to promptly address your failure to appear in court can result in a harsher penalty; a loss of your believability at trial; an embarrassing arrest in a public location such as in your neighborhood or at work; loss of your privilege to drive; and loss of your peace of mind. You should address this problem immediately.**

**This flyer is not intended to answer all questions about your rights after conviction and the impact of the conviction and sentence (including license loss.) If you have additional concerns, they should be referred to an attorney.**

Fairfax County General District Court, 4110 Chain Bridge Road, Fairfax, VA. 22030.  
Traffic: 703-246-3764 Criminal 703-246-3305 TTY (hearing impaired only): 711  
For reasonable ADA accommodations or an alternate format, please contact 703-246-2153.

